

NEBRASKA DEPARTMENT  
OF INSURANCE

JUN 16 2003

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

|                          |   |                       |
|--------------------------|---|-----------------------|
| STATE OF NEBRASKA        | ) |                       |
| DEPARTMENT OF INSURANCE, | ) |                       |
|                          | ) | FINDINGS OF FACT,     |
| PETITIONER,              | ) | CONCLUSIONS OF LAW,   |
|                          | ) | RECOMMENDED ORDER AND |
| VS.                      | ) | ORDER                 |
|                          | ) |                       |
| BELINDA MOTIL,           | ) |                       |
|                          | ) | CAUSE NO. A-1500      |
|                          | ) |                       |
| RESPONDENT.              | ) |                       |

This matter came on for hearing on the 11<sup>th</sup> day of June 2003, before Michael Boyd, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Keri Schechinger. Belinda Motil ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. The parties did not request the rules of evidence apply to the hearing. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed non-resident insurance producer whose current registered address with the Department is ICT Group, Inc., 737 Volvo Parkway #100, Chesapeake, VA 23320.
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. The Department filed a Petition and Notice of Hearing on or about May 1, 2003, which was served upon the Respondent by mailing the same to her business address of record by certified mail, return receipt requested. On or about May 16, 2003, the envelope containing the Petition and Notice of Hearing was returned to the Department marked "Refused – Return to Sender".

4. The Petition and Notice of Hearing were served on Respondent by certified mail, return receipt requested, to her home address of record at 1805 Clearbrook Lane, Virginia Beach, VA 23464, as evidenced by the return receipt card attached to Exhibit #1.

5. The Department, in its Petition, alleged that Respondent violated Neb. Rev. Stat. §44-4059(1)(i) which provides that the Director may suspend or revoke an insurance producer's license or may levy a fine, or any combination of such actions, if that person has had "an insurance producer license, or its equivalent, denied, suspended, placed on probation, or revoked in any other state, province, district, or territory", as a result of the following conduct:

- a. On or about August 20, 2002, Virginia's State Corporation Commission, in Case No. INS-2001-00272, issued a judgment order which revoked any and all resident licenses of the Respondent to transact the business of insurance in Virginia after finding that she had provided untrue information on her insurance agent license applications, and therefore she was guilty of dishonest practices, and was not trustworthy or competent to act as an insurance agent.
- b. The revocation of Respondent's agent license in Virginia became effective September 4, 2002.

6. The Department, in its Petition, alleged that Respondent violated Neb. Rev. Stat. §44-6065(1) which provides that an insurance producer shall report to the director any

administrative action taken against the producer in another jurisdiction within thirty days of the final disposition of the matter, as a result of the following conduct:

- a. Respondent failed to report to the Nebraska Department of Insurance Virginia's administrative action against her, which resulted in her insurance license being revoked effective September 4, 2002, within thirty days of the final disposition of the matter.

### CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. § 44-101.01 and § 44-4047 et seq.
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb. Rev. Stat. §44-4059(1)(i) when her insurance producer license in Virginia, her state of residence, was revoked.
4. The Respondent violated Neb. Rev. Stat. §44-4065(1) by failing to report to the Department the administrative action against her in the State of Virginia, her state of residence, within thirty (30) days of its final disposition.

### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska non-resident insurance producer's license be revoked, effective upon the date the Director of Insurance signs this order.

Dated this 13<sup>th</sup> day of June, 2003.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE


  
HEARING OFFICER

#### CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Belinda Motil, Cause No. A-1500.

Dated this 16<sup>th</sup> day of June, 2003.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
L. TIM WAGNER  
Director of Insurance

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing same to her at 1805 Clearbrook Lane, Virginia Beach, VA 23464 by certified mail, return receipt requested, on this 16<sup>th</sup> day of June, 2003.

